

Lyew, Sandra

August 28, 2015

1

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BECKLEY

-----  
DAVID M. DAUGHERTY,

Plaintiff,

v.

CIVIL ACTION  
NO. 5:14-24506

EQUIFAX INFORMATION SERVICES, LLC  
and OCWEN LOAN SERVICING, LLC,

Defendants.  
-----

30 (b) (6) DEPOSITION UPON ORAL EXAMINATION  
OF SANDRA LYEW  
TAKEN ON BEHALF OF THE PLAINTIFF

Virginia Beach, Virginia

August 28, 2015

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August 28, 2015

20

1 Q. And does anything come along with the  
2 ACDV?

3 A. No.

4 Q. Are there ever any attachments to the  
5 ACDV from the credit reporting agencies to OCWEN?

6 A. No. It's just the type of dispute. And  
7 based on the type of dispute, the credit reporting  
8 department then notates the OCWEN system of the  
9 dispute coming in. And that also takes within  
10 30 days to respond back.

11 Q. The 30 days starts as soon as OCWEN  
12 receives the ACDV?

13 A. That is correct. And that stays  
14 directly in the credit reporting department.

15 Q. So OCWEN's investigation is based solely  
16 off of the credit reporting agency's dispute?

17 A. OCWEN, meaning the credit reporting  
18 department?

19 Q. Yes.

20 A. Yes.

21 Q. Sorry.

22 So they don't receive correspondence  
23 when they get an ACDV --

24 A. No.

25 Q. -- is that correct?

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August 28, 2015

21

1           **A.       No.**

2           Q.       So, for instance, Equifax would not  
3       attach a letter from a consumer?

4           **A.       No.**

5           Q.       So how does Equifax communicate the  
6       dispute for OCWEN to reinvestigate?

7           **A.       Certain codes that they use, and based**  
8       **on the code they -- for instance, Equifax stipulates**  
9       **what the dispute is about. And that also gets**  
10       **notated in OCWEN's system.**

11          Q.       When you say stipulates what the dispute  
12       is about --

13          **A.       Right. Based on an AC -- ACDV form that**  
14       **comes through to OCWEN through the e-Oscar, it tells**  
15       **you what the dispute is, borrower's name,**  
16       **information, and the type of dispute that the**  
17       **borrower has sent to them.**

18          Q.       So based on that -- based on  
19       Equifax's -- in this example, based on Equifax's  
20       designation of the dispute, OCWEN investigates that  
21       specific dispute?

22          **A.       Yes. That's correct.**

23          Q.       Along with affirming that the account  
24       belongs to the borrower?

25          **A.       That is correct.**

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August 28, 2015

22

1 Q. So what are OCWEN's -- what's their  
2 decision tree once they receive a dispute and they've  
3 reinvestigated it?

4 A. The response goes back to the credit  
5 agency based on their findings.

6 Q. And what are the possible responses?

7 A. The possible responses is reconfirming  
8 that the borrower's name matches to OCWEN's records,  
9 Social Security number, property address, and  
10 whatever the findings are as far as the credit that  
11 OCWEN has reported to the credit agency. And the  
12 credit reporting also does initial investigation as  
13 far as reviewing the business records, as well as  
14 what's in the OCWEN system, to assure that the  
15 account does belong to the borrower.

16 Q. So you say they can review the business  
17 records?

18 A. Yes.

19 Q. And you reference the mortgage?

20 A. The mortgage, any closing documentation,  
21 anything that is forwarded to us.

22 Q. Forwarded from where?

23 A. From the processors, in this case Litton  
24 Mortgage. So in this case OCWEN acquired Litton  
25 Mortgage, so OCWEN also had access to their business

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August 28, 2015

23

1     **records, as well, their system, reconfirming that.**

2           Q.     Okay. In a hypothetical where OCWEN  
3     received a dispute, they look over the closing  
4     documents and they're still not able to resolve the  
5     dispute by looking at those, other paperwork, is  
6     there anything else they can do to investigate such a  
7     dispute?

8           A.     Well, hypothetical question?

9           Q.     Yes.

10          A.     Hypothetical.

11          Q.     Can they, for instance, contact the  
12     research department for a service question?

13          A.     They have access to contact any  
14     department within OCWEN, as well as they can  
15     research -- they're trained to research anything --  
16     anything as far as the whole system, so the whole  
17     system is the loan servicing system. They can find  
18     any additional information or any information that  
19     they can possibly find in the OCWEN system.

20          Q.     So they do have broader access -- they  
21     typically would look to closing documents or  
22     documents from the prior servicer, but if they needed  
23     additional information they have access to that?

24          A.     Yes. The system -- I have access. I  
25     can view each -- I can view as far as escrows, loan

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August 28, 2015

24

1 information, taxes, anything dealing with the loan  
2 servicing of that loan.

3 And just to clarify, each department  
4 have certain -- have their own functions as far as  
5 system -- well, like credit reporting deals strictly  
6 with credit reporting. They're not accessed to input  
7 other information other than the credit reporting  
8 information. Same goes for any other department.

9 Q. So someone in credit reporting could  
10 review an escrow department?

11 A. They can only review it.

12 Q. But they can't add to it?

13 A. They can't add to it.

14 Q. Okay. Is there ever a situation where  
15 credit reporting identifies an issue in the escrow  
16 department and they need to communicate to escrow to  
17 fix it or to collaborate? Does that occur?

18 A. It could occur with any department, so  
19 an email and/or -- as well as identifying in the note  
20 log an email sent to; for instance, you mentioned  
21 escrow department, identifying an error.

22 Q. Okay.

23 A. Or a correction in -- error, a  
24 correction that needs to be made.

25 Q. So if the credit reporting department

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August 28, 2015

25

1 identifies an issue that has arisen in another  
2 department, are they able to change the credit report  
3 without modifying the other department, as well?

4 **A. Who?**

5 Q. So, for instance, the credit reporting  
6 department identifies an issue with escrow based on a  
7 consumer dispute, they notify the escrow department.  
8 Are they allowed to modify the credit report based on  
9 this dispute and their investigation without getting  
10 a simultaneous modification in the escrow department?

11 MR. MANNING: Object to the form.

12 You can answer if you understand.

13 THE WITNESS: I think I understand. I  
14 think.

15 BY MR. NOLAN:

16 Q. Convoluted there, so --

17 **A. Based on your question, nothing can be**  
18 **done to -- in regards to credit reporting until the**  
19 **full investigation is completed, if that's what you**  
20 **meant. And these are all hypothetical questions.**

21 Q. That is correct.

22 **A. Okay.**

23 Q. So once the credit reporting department  
24 completes its review and sends a response back to the  
25 credit reporting agency, I assume?

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August 28, 2015

26

1           **A.       Yes. And they communicate right -- they**  
2       **communicate through e-Oscar.**

3           Q.       Is there a separate form from the ACDV  
4       that OCWEN responds to the ACDV with?

5           **A.       Everything is automated through the**  
6       **system, so based on their response, OCWEN's response,**  
7       **back to the credit agency is through e-Oscar.**

8           Q.       Is that on the same ACDV form or is  
9       there a separate form generated?

10          **A.       It's in the system, so it could be under**  
11       **the ACDV section it responds back to -- so the ACDV**  
12       **is basically a screen through their system.**

13          Q.       Their being the credit reporting  
14       agency's --

15          **A.       Yes.**

16          Q.       -- e-Oscar system?

17          **A.       e-Oscar system.**

18          Q.       So OCWEN receives an ACDV from, for  
19       instance, Equifax, and do they just fill in that same  
20       form online with their response or do they generate a  
21       new form or something substantive, besides that form,  
22       in their response?

23          **A.       Everything is based on how the ACDV came**  
24       **in. And it's responded through the same ACDV.**

25          Q.       And is that true regardless of outcome

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Lyew, Sandra

August 28, 2015

27

1 of the investigation, such as confirm the debt,  
2 update the account, or delete the account?

3 A. Yes. Everything is based on the actual  
4 type of dispute.

5 Q. But the -- it's all through the same  
6 ACDV, regardless of the reinvestigation result?

7 A. Right. So if the investigation came  
8 from the national credit agency through an ACDV,  
9 that's how it gets responded back. It goes  
10 through -- if it came in as an escalation, then I  
11 believe they use a different form, the AUD, automated  
12 universal form.

13 Q. What do you mean, escalation?

14 A. That's how I take, you know -- I call it  
15 AUD. I call it like an escalation.

16 Q. And can you explain why that would be an  
17 escalation?

18 A. No.

19 Q. Just --

20 A. You know, as far as specific questions  
21 relating to this loan, I can explain it to you;  
22 however, in general I call it an escalation versus a  
23 normal ACDV dispute from a credit agency. The AUD is  
24 an actual form that reassures that it confirms even  
25 more. And, you know, to an extent the credit

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Lyew, Sandra

August 28, 2015

30

1 reporting department receives an ACDV, we've talked  
2 about they can look at any other department in OCWEN  
3 to investigate. What else would they take into  
4 account? For instance, if there was prior complaints  
5 by a borrower, would they -- would those be  
6 considered in the current dispute?

7 A. They'll check to see how many disputes  
8 the same disputes have come in in regards to the  
9 account, and whether there was something slightly  
10 similar or pretty much the same -- pretty much the  
11 same for this account. But there has been no changes  
12 because OCWEN has always reported to all the bureaus  
13 correctly.

14 Q. So if they do check and they see similar  
15 disputes in the past, would they make a note in their  
16 logs saying this is a frivolous dispute, so to speak?

17 A. No. They just -- they'll notate the  
18 account accordingly based on the current dispute that  
19 comes in, whether it's the same or slightly different  
20 or pretty much -- for instance, this account -- the  
21 same.

22 Q. And that's one thing I noticed -- we'll  
23 get into it -- is it seems like OCWEN conducted an  
24 investigation each time.

25 A. That is correct.

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Lyew, Sandra

August 28, 2015

59

1           **A.       As of January 2013.**

2           Q.       All right. So we talked earlier about  
3       OCWEN's credit department reinvestigation procedures.  
4       And we asked what other information they would look  
5       at. Would Rajkumar or Harish Rao have checked  
6       Mr. Daugherty's file to see any other disputes or  
7       accounts listed during their reinvestigation process?

8                   MR. MANNING: Object to the form.

9                   You can answer.

10                  THE WITNESS: They do check. And  
11       they're both the same loan number. Account number is  
12       our loan number, OCWEN's loan number.

13       BY MR. NOLAN:

14           Q.       Based on these notes, it appears that  
15       Mr. Rao's report was entered -- entered notes before  
16       Mr. Singh; is that correct?

17           **A.       That is correct.**

18           Q.       Would Mr. Singh have seen Mr. Rao's  
19       dispute resolution notes when reviewing his dispute?

20           **A.       Yes.**

21           Q.       At that point were there any notes that  
22       indicate how he responded to that or how he  
23       contemplated a second dispute already processed on  
24       this account?

25           **A.       Based on the part of the system that**

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August 28, 2015

117

1 correct?

2 **A. Okay.**

3 Q. So Mr. Daugherty asked OCWEN for a  
4 letter stating that he was current, correct?

5 **A. That's what the document says.**

6 Q. Specifically referring to March, June,  
7 July, September, October of 2013 as dates that he  
8 needs to show that he's current, correct?

9 **A. Okay. And he received a response letter**  
10 **April 19th in response to his complaint.**

11 Q. With an account balance?

12 I've got that letter. We can go ahead  
13 and mark it.

14 (Exhibit No. 20 was marked for  
15 identification.)

16 BY MR. NOLAN:

17 Q. Here is a copy of the April 19th letter  
18 that you referred to.

19 **A. Okay. It shows his unpaid balance.**

20 **Okay. Sorry.**

21 **He made the request -- he made the**  
22 **request, but she should have told him he needed to**  
23 **send the request in writing.**

24 Q. These are the same months that  
25 Mr. Daugherty referred to in his March 2014 dispute

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August 28, 2015

118

1 letter to OCWEN, correct?

2           **A.       This is -- this is -- he phoned in. Let**  
3 **me see here. Go back to his letter and see if he**  
4 **made the request in his letter.**

5                     **It doesn't show that he made that**  
6 **request.**

7           **Q.       Please look at the second page of the**  
8 **letter he sent.**

9                     **MR. MANNING: What exhibit are we**  
10 **talking about?**

11                    **THE WITNESS: This is 16.**

12                    **Right. But he didn't -- you went from a**  
13 **comment, him requesting a letter from OCWEN on these**  
14 **certain months; however, OCWEN has responded to his**  
15 **letter advising that he -- that OCWEN has reported**  
16 **accurately to the three bureaus. And they don't have**  
17 **control on how the bureaus input that information**  
18 **into their system.**

19 **BY MR. NOLAN:**

20           **Q.       So he asked in March, and then he asked**  
21 **again in June, for --**

22           **A.       On June 9th he requested a letter**  
23 **stating these months being current. I don't see**  
24 **where the agent asked him that he would need to send**  
25 **that in writing.**

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Lyew, Sandra

August 28, 2015

119

1 Q. So after he mailed a dispute in March,  
2 he is still asking OCWEN to fix this issue in June,  
3 correct?

4 A. OCWEN has already told him that it's  
5 been accurately reported to the three bureaus or four  
6 bureaus correctly, accurately. And they don't have  
7 control on how the credit bureau, in this case  
8 Equifax, inputs their information when it's received  
9 from the creditor, meaning OCWEN.

10 MR. NOLAN: Mark this.

11 (Exhibit No. 21 was marked for  
12 identification.)

13 BY MR. NOLAN:

14 Q. This is Exhibit 21. This is a dispute  
15 responded to on June 20th, 2014, correct?

16 A. Yes.

17 Q. And on 1736 the final entry by Shalini  
18 Singh reports this dispute as reporting 120 days past  
19 the due date, correct?

20 A. Reporting received from credit bureau.  
21 That's what -- that's what the comment is.

22 Q. And on 1737 the report notes reporting  
23 to credit bureau, this current account as of  
24 May 2014, correct?

25 A. Yes.

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Lyew, Sandra

August 28, 2015

120

1 Q. And on this ACDV, Exhibit 21, again am I  
2 correct that the gray shaded boxes are OCWEN's  
3 updates and response to the dispute?

4 A. Yes.

5 Q. So OCWEN again updates the account  
6 status on the bottom of the page from 120 past due to  
7 current?

8 A. So 120 days past due is what was  
9 received from the credit bureau.

10 Q. And it was modified by current to OCWEN?

11 A. It was responded as current -- a current  
12 account.

13 Q. I used the term modified because the  
14 response code at the very top says modified account  
15 information as indicated. You're saying these are  
16 responses from OCWEN, not modifications?

17 A. They have their codes. But this is the  
18 response. The gray shaded area is the response that  
19 OCWEN -- so whether it's a modified or based on the  
20 information that OCWEN has in their system, this is  
21 how -- how it's responded.

22 Q. OCWEN did not respond to the five or  
23 more payments past due notation?

24 A. OCWEN responded based on what's in their  
25 system. Based on their system, the account was

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August 28, 2015

121

1     **current as of June 20th, 2014, and that's how it was**  
2     **responded.**

3             Q.       OCWEN's reinvestigation did not lead  
4     them to correct a notation on a current account that  
5     says it was five or more payments past due?

6             MR. MANNING:   Objection to the form.  
7     Asked and answered.

8             You can answer.

9             THE WITNESS:   I feel like I'm repeating  
10    myself.

11            MR. MANNING:   You can answer.

12            THE WITNESS:   OCWEN responds to all  
13    bureaus every month, on a monthly basis, and one  
14    responds accordingly and accurately. In this case it  
15    was done accurately on this account to all three  
16    bureaus. You don't have control on what the credit  
17    bureau, in this case -- how Equifax inputs their  
18    information in their system.

19    BY MR. NOLAN:

20            Q.       The only thing OCWEN can control is its  
21    reinvestigation, correct?

22            A.       **Each time a dispute is received it gets**  
23    **responded accordingly and investigated based on their**  
24    **review on how many disputes were received prior to**  
25    **the date of the new request being perceived.**

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Lyew, Sandra

August 28, 2015

133

1 information reflect?

2 **A. This reflects the account history and**  
3 **how -- and how it is reported to the bureaus each**  
4 **month.**

5 Q. During your testimony you've identified  
6 that there is a -- I can't remember your  
7 terminology -- something like 30 days in arrears,  
8 like the reporting happens for the previous 30 days.  
9 Am I saying that right?

10 **A. Right. So if they're reporting to the**  
11 **credit bureau the 30th, say of, in this case,**  
12 **November 30th, then it's being reported as -- to**  
13 **reflect as of October 30th -- up to October 30th.**

14 Q. The screens here, do they use the same  
15 codes that we saw appearing on some of these  
16 automated forms, either the AUD or the ACDVs?

17 **A. Yes.**

18 Q. Were there any instances in which OCWEN  
19 reporting on the account for Mr. Daugherty, that upon  
20 your review evidence that OCWEN was reporting this  
21 trade line twice at any time?

22 **A. Not at all. Only one trade line was**  
23 **reported to each bureau. And they all get reported**  
24 **on a monthly data the same day each month.**

25 Q. Do all the credit reporting agencies

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Lyew, Sandra

August 28, 2015

136

1 again, for the record, April 2012 has a zero. What  
2 does that reflect?

3 **A. Current.**

4 Q. March 2012?

5 **A. He was in default and was 120 days past**  
6 **due.**

7 Q. And so when it says a 4 for March 2012,  
8 that is four times 30 days to get to the 120 you  
9 said?

10 **A. That is correct.**

11 Q. After that period, it appears that there  
12 are no other numbers other than zeros?

13 **A. That is correct.**

14 Q. So that would reflect, at least  
15 according to this monthly data reporting, he was  
16 current for each of those months?

17 **A. Yes.**

18 Q. Is there a compliance condition code on  
19 this report?

20 **A. Yes, there is.**

21 Q. What is it?

22 **A. XB.**

23 Q. How about the prior month, for the  
24 reporting period February 2015, is there an XB code  
25 there?

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Lyew, Sandra

August 28, 2015

137

1           **A.       Yes, there is.**

2           Q.       It looks like there is an XB code for  
3       the next series of pages, 641 through 645, and that's  
4       for the reporting period November 2014 through  
5       March 2015; is that accurate?

6           **A.       Yes.**

7           Q.       At the beginning of the deposition you  
8       were asked about background or qualifications for the  
9       credit analysts. What -- from a very broad  
10      perspective, what training do those new-hire analysts  
11      receive?

12          **A.       It's a one-month training, two weeks**  
13      **class training, and an additional two weeks shadowing**  
14      **training.**

15          Q.       Okay. So the first two weeks is in a  
16      classroom. What is the substance of that classroom  
17      training?

18          **A.       How to operate the OCWEN system,**  
19      **policies and procedures for credit reporting, as well**  
20      **as -- as well as for credit reporting. I did say**  
21      **that, credit reporting. And for e-Oscar.**

22          Q.       And then after the classroom, you said  
23      shadowing. What do you mean by shadowing?

24          **A.       Yes. They sit down with a most current**  
25      **credit reporting analyst for additional training as**

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Lyew, Sandra

August 28, 2015

138

1 far as how they operate.

2 Q. After the two-week classroom training,  
3 two-week shadowing, and that individual goes live in  
4 the system, is there any further training or  
5 supervision of that individual?

6 A. Yes. There is always ongoing training,  
7 whether it's online training within the company, for  
8 continuous training on policy and procedures, as well  
9 as codes and things like that.

10 Q. What about a quality control program?  
11 Is there any supervision of the actual work these  
12 people are doing when they undertake a credit dispute  
13 review?

14 A. Yes. There is a supervisor for teams  
15 that they have. I'm not sure how many number of  
16 teams are in that department that handle different  
17 functions, as well as consumer escalation, which  
18 means -- also means ombudsman escalation.

19 Q. When you say ombudsman escalation, I  
20 think we saw some of that in the notes. What is  
21 that?

22 A. They deal with the actual consuming; for  
23 instance, from the Credit Financial Protection  
24 Bureau.

25 Q. There was some testimony about an

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Lyew, Sandra

August 28, 2015

156

1 changes made at that point, that's what would have  
2 been sent to the credit bureaus.

3 Q. Do the credit analysts at OCWEN have  
4 access to these screen shots, the monthly reporting  
5 data, which has been marked as Exhibit 26, when  
6 they're undertaking their review?

7 A. Yes.

8 Q. So is that part of the review process if  
9 that dispute is identified regarding things like  
10 account history or account information?

11 A. Yes. And dealing with credit reporting  
12 based on the amount of disputes that comes -- came in  
13 per month on this account.

14 Q. You mentioned a number of systems, but,  
15 when a credit analyst receives the dispute, what  
16 information is available to them as part of their  
17 investigation of that dispute?

18 A. Real Servicing, which is the OCWEN  
19 system.

20 Q. Before you move on, tell us what type of  
21 information is available on Real Servicing.

22 A. The payment history. Retrieving the  
23 payment history. Reviewing the payment history.  
24 Reviewing the notes in the system. Again, should  
25 they have the capability of reviewing based on their

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Lyew, Sandra

August 28, 2015

157

1 authority for OCWEN -- for any additional  
2 information, like escrow.

3 Q. So that's --

4 A. Normally it's payment history and loan  
5 history in regards to the account.

6 Q. That's Real Servicing. And then are  
7 there other systems or programs available?

8 A. They have the system that was once  
9 called CIS. It's now called The Vault, which has the  
10 imaging documents of the borrower's account, and the  
11 mortgage origination, closing documents, any  
12 correspondence received, sent out by OCWEN.

13 Q. So the Real Servicing, CIS, also known  
14 as The Vault. Any other systems or programs  
15 available?

16 A. The credit reporting also, again  
17 e-Oscar, which does the communication to credit  
18 bureaus.

19 Q. On this loan there was an additional  
20 system or systems because it was a  
21 Litton-formerly-serviced account.

22 A. Yes.

23 Q. What were those systems called?

24 A. RADAR and LSAMS.

25 Q. Okay. But would that be available for

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Lyew, Sandra

August 28, 2015

158

1 any account or would it just be available for Litton  
2 accounts?

3 **A. No. Just the Litton -- Litton is the**  
4 **only company.**

5 Q. So as part of the training policies,  
6 practices, the credit analyst is to review all the  
7 systems -- all available information in order to  
8 determine the response to the dispute?

9 **A. To conduct the full investigation to**  
10 **respond to the dispute.**

11 Q. There were a number of -- obviously  
12 there was a number of disputes in this case. And  
13 there are notes pertaining to those disputes.  
14 Sometimes the notes appear to be incomplete. Do the  
15 notes reflect everything that is being done or what  
16 is being transcribed in these notes?

17 **A. In most cases they verified on what they**  
18 **did in order to verify that this account belongs to**  
19 **Mr. Daugherty.**

20 Q. If the dispute was more than what is an  
21 01, not his, not hers, if there was something  
22 additional, would there be an additional inquiry?

23 **A. Inquiry in the note log?**

24 Q. By the credit analyst to respond.

25 **A. Yes. So if the ACDV was received with**

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Lyew, Sandra

August 28, 2015

159

1 more than one dispute, that's how they would go ahead  
2 and investigate, based on each dispute that is  
3 received.

4 Q. So I'll give you an example. Exhibit 17  
5 is an ACDV response.

6 A. I have one.

7 Q. And this has a different code. This one  
8 is -- it's not the 001, not his. It's 106. And it's  
9 described as disputes present/previous account  
10 balance, payment history profile, payment rating.  
11 And then the instruction is verify payment history  
12 profile, account status, and payment rating.

13 A. Yes.

14 Q. And each of those is a field; is that  
15 right?

16 A. Yes.

17 Q. So specifically this dispute is asking  
18 OCWEN to verify the payment history profile, the  
19 account status, and the payment rating; is that  
20 right?

21 A. Yes.

22 Q. So if you go towards the bottom, account  
23 status, it has been filled in with an 11 code, as  
24 current account; is that right?

25 A. Yes.

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Lyew, Sandra

August 28, 2015

160

1 Q. And that's different from what was sent  
2 to OCWEN; is that right?

3 A. Yes. Different from the request.

4 Q. Okay. So that means somebody at OCWEN  
5 reviewed the information after an investigation, they  
6 responded with an update on this form, right?

7 A. Yes.

8 Q. Okay. The next thing is payment rating.  
9 There was no payment rating in this request, correct,  
10 under account information?

11 A. No.

12 Q. It's blank on the request side?

13 A. Yes.

14 Q. Okay. So then the third thing that's  
15 being specified here is account -- we already did  
16 account status -- payment history profile. So if we  
17 turn to the account history, which is on the second  
18 page, do you see the account history profile there?  
19 It's that table about middle of the page.

20 A. Yes.

21 Q. So it has a list of years. And just for  
22 the record, this is Bates 1344. It is -- the white,  
23 again, is the requested information, and that's the  
24 information that came over through e-Oscar to OCWEN  
25 from the CRA, and then the gray is OCWEN's response;

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Lyew, Sandra

August 28, 2015

161

1 is that right?

2 **A. Yes.**

3 Q. Okay. So in 2013 you've got a number of  
4 white and gray boxes. If we look at really 2014 and  
5 2013, there isn't a single gray box indicating late,  
6 except for March 2013; is that right?

7 **A. Yes.**

8 Q. And that's different from the request  
9 data?

10 **A. The request data?**

11 Q. The white boxes.

12 **A. Yes. Yes.**

13 Q. The white boxes have either the number 4  
14 or the letter D in them, do you see that?

15 **A. Yes.**

16 Q. And then the gray boxes for those same  
17 two years, 2014 and 2013, have zeros in every box,  
18 with the exception of March 2013 which is a 1?

19 **A. That is correct.**

20 Q. So that reflects that OCWEN has  
21 responded that the information that came over from  
22 the CRA showing late of 120 days should be updated to  
23 being current?

24 **A. Yes.**

25 Q. And those were the three fields that are

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August 28, 2015

162

1 identified on this dispute code 1 on page 1, Bates  
2 1343, right?

3 **A. Yes.**

4 **Q.** What was the date of this ACDV response?

5 **A. April 24, 2014.**

6 **And just to reflect back to March,**  
7 **30-day, 2013.**

8 **Q.** Yes.

9 **A. It was removed; however, the reason why**  
10 **it was -- it was marked as 30 days, because the**  
11 **borrower did send a payment in; however, it was**  
12 **returned due to insufficient funds.**

13 **Q.** So did OCWEN -- was OCWEN required to  
14 change that from late to current?

15 **A. No. They're not required to do that.**

16 **Q.** Then why did they do it?

17 **A. I don't know. I personally would have**  
18 **left it.**

19 **Q.** Because it was late, but perhaps as --

20 **A. Yes.**

21 **Q.** -- an accommodation to the borrower?

22 **A. Yes.**

23 **Q.** Based on your review of these documents,  
24 were there any monthly data tapes that were reported  
25 by OCWEN to the CRAs that were inaccurate?

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Lyew, Sandra

August 28, 2015

163

1           **A.       No.**

2           Q.       Okay. That's all the questions I have.  
3 Thank you.

4                               EXAMINATION

5 BY MR. NOLAN:

6           Q.       I just have a couple of quick  
7 follow-ups.

8                               You discussed policies and procedures  
9 and training. Are these written down somewhere at  
10 OCWEN?

11           **A.       Yes.**

12                           MR. NOLAN: Can you-all provide those to  
13 us, so we can review them, pursuant to our discovery  
14 request? I believe we've requested those.

15                           MR. MANNING: I'll make a note of that.

16 BY MR. NOLAN:

17           Q.       I wanted to follow up, too, about the  
18 changing of the date open. Look at Exhibit 5 of the  
19 comment log on page 1644.

20           **A.       Yes. The date change was April 30th,**  
21 **2012.**

22           Q.       It's noted here -- SU is the code. Is  
23 that the department that would be reviewing this?

24           **A.       Setup.**

25           Q.       Setup?

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Lyew, Sandra

August 28, 2015

168

1 C E R T I F I C A T E

2

3 COMMONWEALTH OF VIRGINIA,  
4 CITY OF NORFOLK, to wit:

5

6 I, Penny C. Wile, RPR, RMR, CRR, a  
7 Notary Public in and for the Commonwealth of  
8 Virginia at Large, do hereby certify that the  
9 foregoing deposition was duly taken and sworn to  
10 before me at the time and place in the caption  
11 mentioned, and that the deposition is a true record  
12 of the testimony given by the witness.

13 I further certify that I am neither  
14 attorney or counsel for, nor related to or employed  
15 by any of the parties to the action in which this  
16 deposition is taken, nor am I a relative or employee  
17 of any attorney or counsel employed by the parties  
18 hereto, nor am I financially interested in the  
19 action.

20 Given under my hand this 8th day of  
21 September, 2015.

22

23

24 \_\_\_\_\_  
Notary Public, #212528

25 My Commission expires: January 31, 2017

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